



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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TTY: 1-888-835-5322

DA 10-127
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OFFICE OF ENGINEERING AND TECHNOLOGY
SEEKS COMMENT ON ERA SYSTEMS CORPORATION' PROPOSAL
TO PERMIT FIXED GROUND-TRAFFIC RADAR AT AIRPORTS IN 76-77 GHz BAND

ET Docket No. 10-28

Comment Date: February 26, 2010
Reply Comment Date: March 15, 2010

Era Systems Corporation (Era) filed comments in CB Docket No. 09-102 in response to the Commission's public notice seeking comment on possible revision or elimination of rules under the Regulatory Flexibility Act (RFA).¹ Pursuant to the RFA, the Commission plans to review rules adopted by the agency in calendar year 1998 which have, or might have, a significant economic impact on a substantial number of small entities. The purpose of the review is to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of section 610 of the RFA, to minimize any significant economic impact of such rules upon a substantial number of small entities.

In its comments, Era requests that the Commission amend Section 15.253 of its rules to permit the use of 76-77 GHz fixed radars at airports for monitoring terrestrial vehicle movements in addition to the automobile radar uses currently permitted in that band.² Vehicle-mounted radar systems are the only type of operation permitted under this section; fixed applications are not permitted. Era contends that when the rules limiting operation to vehicle-mounted radars were adopted, there was no practical experience with automotive radars in the 76-77 GHz band and the rules were made very conservative to assure that such radars would not receive harmful interference from other users of the band. Era contends that subsequent experience in other countries has shown that the limitation that radars operate only on moving vehicles is overly restrictive. It requests that the Commission relax this requirement and proposes several alternative approaches for modifying the rule to allow fixed radar use, primarily at airports.

Although Era's submission is styled as a comment, we find that it provides sufficient basis to be treated as a petition for rulemaking under Section 1.401 of the Commission's rules. Among other factors, it sets forth specific proposals for modification of an existing rule section under Part 15. In order for the

¹ See "FCC Seeks Comment Regarding Possible Revision or Elimination of Rules Under The Regulatory Flexibility Act, 5 U.S.C. 610", DA 09-1307, CB Docket No. 09-102, rel. June 24, 2009.

² See Era Systems Corporation comments dated September 08, 2009 in CB Docket No. 09-102; *see also* 47 C.F.R. § 15.253.

Commission to determine if there are sufficient reasons for instituting a rulemaking proceeding, we are treating the Era comment as a petition for rulemaking and seek comment on Era's request. We deem this proceeding, for *ex parte* purposes, as "permit-but-disclose" in accordance with Section 1.1200(a) of the Commission's rules, subject to the requirements under Section 1.1206(b).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8:00 a.m. to 7:00 p.m.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties should also send a copy of their filings to Aamer Zain, Office of Engineering and Technology, Federal Communications Commission, Room 7-A110, 445 12th Street, S.W., Washington, D.C. 20554, or by e-mail to aamer.zain@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C.

20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

Office of Engineering and Technology contact: Aamer Zain at (202) 418-2437.

By the Chief, Office of Engineering and Technology

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